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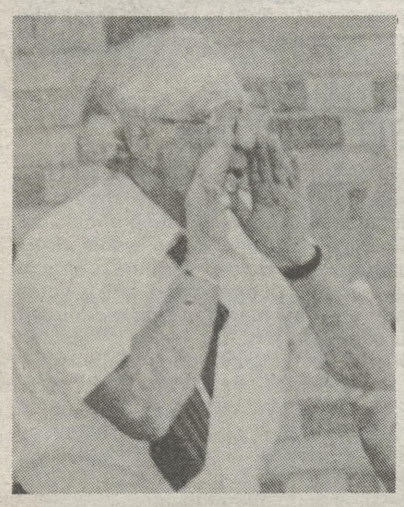
TEAMSTER CONVOY DISPATCH

IBT 109

VOICE OF THE TEAMSTER RANK AND FILE SINCE 1975

March 1989 #85



Thinking of Retirement?

This lucky Teamster is retiring with a pension of over $17,000 a month. How did he do it? Can you get this kind of Teamster pension? See page 7 for details on his pension, and yours. See page 3 for what he did to get it.

RICO Trial Set for March 13

TDU Presses for Right to Vote

As the time nears for the racketeering trial of the International union and top Teamster officers, dramatic shifts are taking place. Both the U.S. government and the International union officers have moved toward the TDU position: the right of the membership to vote for their top Teamster officers, and no trusteeship over our union. The campaign for the Right to Vote is gaining momentum.

The trial in the civil lawsuit, filed under the Racketeer Influenced and Corrupt Organizations Act (RICO), which had been scheduled to begin Feb. 27, is now set for March 13. While it is likely to run for several months, a settlement is still possible. Recent events have highlighted the importance of the outcome for every Teamster member.

• The U.S. Justice Department, at the request of the Teamster General Executive Board, made a settlement proposal in January. This proposal (summarized on page 3) adopted part—but only part—of TDU's plan. The Justice Department proposal called for a rank and file vote for International President, Secretary-Treasurer and the five Conference Directors, with an elections officer to oversee the first three elections in 1991, 1996 and 2001. It called for another TDU goal, election of all delegates to IBT Conventions shortly before those conventions; officials would not automatically become delegates.

While the Justice Department did not call for a complete trusteeship over the International union, it did call for two court-appointed officers—an independent administrator and an investigations officer—to serve until 1996 with broad powers to investigate corruption, conduct hearings on charges of misconduct and put locals into trusteeship.

Finally, the proposal called for the resignation of certain International officers.

• The General Executive Board turned down the settlement Jan. 28, but various officers have indicated they would accept parts of the settlement proposal, especially if they can keep their own positions. None of the remaining officers has yet indicated he would accept a rank and file vote, but they all would accept much of the rest of the proposal.

• International Vice President Robert Holmes of Detroit jumped ship and signed a separate settlement with the Justice Department to get out of the case and have the "government withdraw its action against defendant Robert Holmes (including its claims attacking defendant Holmes' right to pension, severance or any other benefits)." He now retires and collects pensions totaling some $205,964 per year! (See page 7.)

President William McCarthy had earlier initiated a motion adopted by the Executive Board against any separate deals, but could not enforce it.

Holmes agreed to endorse election of all delegates to IBT Conventions; election of top officers, either by a convention of elected delegates, "or by direct rank-and-file voting"; and the court-appointed officers. The Justice Department is sure to use Holmes' about-face in the case. Retired VPs John Cleveland and Maurice Schurr signed similar deals.

• TDU has a motion before the court to intervene and become a third party in the case, on the same side as the IBT but arguing for the Right to Vote. In February, attorneys for both the government and the IBT agreed, at our request, to delay action on our motion until such time as remedies come before the court.

TDU's Impact Is Working

TDU adopted a resolution at our 1987 Rank & File Convention opposing any government trusteeship, and supporting the Right to Vote as the proper remedy if corrupt influence within our union is proven. That position has been detailed to all parties in the case. We continue to argue that our position could be the basis of a settlement, which would spare our union a long and damaging trial and bring a new day to the rank and file.

Our work is showing some progress. The Justice Department no longer is asking for a complete trusteeship. Instead, it is talking about the Right to Vote. Teamster officials have indicated they would consider reforms to settle the suit. There is still time to settle, on the positive basis provided by the TDU position.

(See page 3 for more details.)

JOIN TDU

Something is wrong when a labor leader takes a pension fit for a king. True labor leaders will be respected and treated well by their union members. But what gives a man the right to cash in on his high and mighty position and leave the members holding an empty bag?

If you agree, join TDU and help us return our union to the members.

TDU MEMBERSHIP APPLICATION

Name_____ Local Union #_____
(please print)

Address _____

City_____ State or Province_____ Zip_____

Phone (___) _____ Company _____

☐ City ☐ Road ☐ Dock ☐ Clerical ☐ Warehouse ☐ Construction ☐ Production

☐ Other_____

Optional: Spouse's name_____

___$30 membership fee for one year's membership & subscription to CONVOY DISPATCH.

___$75 three year membership fee. ($10 of this shall be rebated to the local chapter.)

___$15 for spouses; retirees; & Teamsters who gross less than $12,000 a year.

☐ Check or money order ☐ Cash

☐ Mastercard/Visa: #_____ Exp. date___/___

Date_____ Signature _____

Return to: TDU, P.O. Box 10128, Detroit, Michigan 48210
(TDU membership is kept confidential from employers and union officials)

Teamsters for a Democratic Union
P.O. Box 10128
Detroit, Mich. 48210
(313) 842-2600

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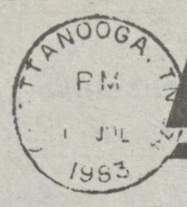
This paper is paid for and distributed by concerned Teamsters. We invite you to do your part—join TDU (application at left) to help improve our union.



From the Members

Text of Grievance No. 9253

Lewis Wheeler
Local 771, Yellow Freight
Lancaster, Pa.

Lewis Wheeler received a warning letter for "Disruptive Activity." While a protest was filed by his local, Lewis here presents his case.

Mr. David Garvey's Warning Letter No. 589474 disappoints me. We have known each other since the days when Jones Motor was being driven out of business. We have always had a difference of opinion about what caused that. He believes the lazy, selfish and uncooperative employees did it, while I believe the greedy, thoughtless and arrogant managers had more to do with it. We have needled each other with these opinions for many years. But now Mr. Garvey suddenly finds he can do it unto others, but can't take it. So he has sent me this notice that *The Golden Rule* has been canceled: Warning Letter No. 589474.

This letter is odd for the strange subject it warns me about: "Disruptive Activity." What is it? It sounds like something I would hear myself accused of if I had just waked up in one of those countries always in the news for crushing human rights. *Disruptive Activity?* Guilty! Firing squad!

What do you suppose Mr. Garvey was really trying to say here? I don't really know, because he never discussed it with me. Suddenly, more than seven days after my alleged offense, the mailman brought the letter to my door. But Mr. Garvey is certainly not admitting he played any part in causing this problem. It's as if he thinks I must go to work just to be disruptive, without any provocation. So he cautions me about "any further occurrences of this nature ..."

What exactly did occur? He's not too clear on that, either. But let's see if I can help him out. At 0200 on Nov. 23 I returned from a short turn trip to Bloomsburg, Pa. It was the day before Thanksgiving, with the usual, pre-holiday atmosphere of frenzy in Yellow's operation.

It began routinely enough. I walked up to the window. Kerry Wagner was dispatching the eastbound side. Nice kid. Jovial. Usually, very helpful. The kind of guy we would like to see in place of our bosses, but who never gets there without being tampered with. He asked, "How much driving time do you have, Lew?"

"Four and a half," I replied. Then Kerry turned to ask pickup numbers of Mr. Garvey, the coordinator, who sat at a desk behind him. Mr. Garvey wears a heavy mustache that hides the dimple where a smirk often begins unnoticed. I think his tie was the wide, solid turquoise.

"Pickup numbers for Baltimore and East Baltimore ..." Kerry began. But panicked, I cut him off.

"Wait a minute," I said. "Is that for me? Where are you sending me on four and a half hours?" Then, to nobody in particular, I said, "These people must be crazy. The other day they tried to send me to Landover and Reading on five."

I didn't think any of this was out of line to say in the presence of Kerry. Normally, he would have discussed the matter with me. But not today. He seemed unaware of my questions or comments. His head was partly turned in the direction of the turquoise tie. After a while he turned to me and said, "May we see your log?"

No doubt about it now, Kerry Wagner had been tampered with. My log was already within his reach, so he opened it. But then a beckoning arm rose up from the turqoise area.

"Bring it back H-E-R-E, Lew!"

I was not about to go back there, knowing Mr. Garvey as I did. So I just pointed to my log and said, "It's right there, Dave."

Peacekeeper Kerry brought it to him. Mr. Garvey flipped the pages, not studying much. I was overheating. Finally he got up from his desk, swaggered to the window and handed my log to me.

"Did everything meet with your approval?" I asked.

"Well, it's just that we've had trouble with you not making some runs," Mr. Garvey said.

"I want to know about TODAY, Dave. Did I get to Bloomsburg and back fast enough for you?" No answer. The smirk began to creep out of that dimple. My gears were stripped. I turned, and began to create my "disturbance in the drivers' room." I asked some of the other drivers if they were subjected to these log inspections and improbable dispatches every night.

"Only when Garvey is on," someone answered.

Mr. Garvey still hovered near the window, obviously enjoying the "undue inconvenience" he says I was causing, as the smirk was in full flower now. Somehow Kerry got my bills ready for dispatch.

Have a safe trip to West Chester, Lew," Mr. Garvey said, then walked back to his desk.

"Thank you, Dave, for a smooth, happy dispatch!" I shouted, and started for the door.

After a lifetime in the trade, why am I to be treated as a recruit? Will it provide better service? I request Warning Letter No. 589474 be rescinded. I don't deserve it. I deserve a commendation for self-restraint.

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Fatigue Factors

There is no profit in safety. I just finished reading your article on fatigue in the Jan./Feb. issue (#84).

I have driven a tractor trailer for 29 years and was a Teamster union steward for 10 years. I constantly read in the newspapers and hear people say how unsafe some drivers and trucks are on the highways. This is true. But let's put most of the blame where it belongs.

I was involved, with TDU's support, in a lengthy federal lawsuit against one of the major freight companies on the East Coast, Werner Continental Inc./Hall's Motor Transit Co. This lawsuit clearly showed the company was forcibly dispatching its road drivers in a severely fatigued condition.

Because work calls are totally unscheduled, unregulated and unpredictable, there is no way a driver can schedule a rest period prior to being dispatched. The federal government has known this for years.

The companies keep drivers "on call, in service to the company." This time is logged as "Off Duty" in DOT log books. It is unpaid time, yet subject to disciplinary action.

My Teamster local voluntarily testified for the company, stating that it needs this time to be "competitive and profitable."

This lawsuit ended in limbo because the U.S. Court of Appeals said the union, as my legal representative, should have taken this case to court instead of me. Now what does this have to do with public safety? Let's start putting most of the blame where it really belongs.

David P. Gaibis
Hubbard, Ohio
Founding member of TDU

TDU Steering Committee

Co-Chairs:
Joe Day, Worcester, Mass., Local 170
Diana Kilmury, Vancouver, B.C., Local 213
Michael Ruscigno, New York Local 138
Michael Savwoir, Kansas City Local 41

Organizer:
Ken Paff, Detroit

Trustees:
John Braxton, Philadelphia Local 623
Dan Campbell, Saginaw, Mich., Local 486
J. Anthony Smith, Washington, D.C., Local 639

Members:
Scott Askey, Barstow, Calif., Local 63
Sarah Bequette, St. Louis Local 600 spouse
Sam Fenn, Los Angeles Local 63
Barbara Mooney, Phoenix Local 104
Luis Ortiz, Phoenix Local 104
O.L. Pinson, Shreveport, La., Local 568
William Stromatt, Atlanta Local 728

Alternates:
Roy Ray, Denver Local 961
Dana Beougher, Tampa Local 79
George Beam, Nashville Local 327

How to Contact TDU Offices

We want to hear from you. Contact us at one of the locations listed below for more information about TDU, or to send us articles or letters concerning Teamster-related issues.

TDU National Office: P.O. Box 10128, Detroit, Mich., 48210. (313) 842-2600.

TDU Washington Office: 2000 P St., N.W., Room 612, Washington, D.C., 20036. (202) 785-3707.

TDU N.Y./N.J. Office: YWCA Building, Room 620, 30 Third Ave., Brooklyn, N.Y., 11217. (718) 834-0631.

TDU Western Organizer: Doug Allan, P.O. Box 7445, La Verne, Calif., 91750. (714) 593-9791.

Who We Are

CONVOY DISPATCH is the voice of Teamsters for a Democratic Union. We are the united rank and file movement to reform the Teamsters, created out of the merger of PROD and TDU.

We are truck drivers, dock workers, production workers—every kind of Teamster, and spouses, too.

We are a grassroots organization with chapters from coast to coast in the USA and Canada. We believe in returning this union to the membership and we are doing it. We are a democratic organization in which every member has a voice and vote. Our 15-member International Steering Committee was elected in October 1988 for one year. Our Rank & File Convention had 500 representatives present.

We are proud Teamsters standing up for our rights. TDU invites all Teamsters interested in defending our contracts and reforming our union to join us. We do reserve the right to exclude those who are opposed to TDU and its principles.

Rank & File Bill of Rights

I. DEMOCRATIC BY-LAWS. All business agents and stewards should be elected. Vacancies in office should be filled by special election within three months. Local union committees should be elected. Contract and strike votes should be by majority (not two-thirds). All contracts should provide for elected officers retaining company seniority.

II. DIRECT ELECTION OF OFFICERS. General President and all International officers should be elected by the membership. International VPs elected by regions. An end to trusteeships and split-off locals.

III. A FAIR GRIEVANCE PROCEDURE. Innocent until proven guilty, right to remain on the job until final procedure completed. Grievance procedure should include right to a speedy trial, arbitration by peers, and the right to strike if necessary.

IV. PRESERVATION OF WORKING CONDITIONS. The union's purpose is to expand and preserve what we have, not trade it away for anything less. People come first, not productivity.

V. SAFETY AND HEALTH. We have the right to enter the workplace without fear for our health and leave in the same condition we arrive. Teamsters should have the right, backed up by our union, to refuse unsafe work or hazardous conditions. We are not machinery.

VI. EIGHT-HOUR DAY AND FIVE-DAY WEEK. Forced overtime and unfair dispatch rules destroy our family life and cost us jobs. No mandatory overtime, "flexible" work weeks, or 70-hour slavery. We are for the advent of the four-day work week. We work to live, not live to work!

VII. A DECENT PENSION. Every dollar in the pension funds belongs to us. We are entitled to 25-and-out, cost of living on pensions, and union pension trustees elected by the rank and file and retirees to safeguard our money.

VIII. JUST SALARIES FOR OFFICERS. A union officer can't understand the problems of members who make less than half what he makes. No officer should make more than the highest paid working members in his jurisdiction. No multiple salaries from union, company, or government sources, or special fringes and pensions. Salary increases limited to the average increase for membership, and subject to membership approval.

IX. EQUALITY AMONG TEAMSTERS. Bring all wage levels up to the highest standards, not a lot for the few and little for the many. Fight the hardest for the lowest paid.

X. END TO DISCRIMINATION. Employers have used the differences in age, race and sex to divide us for decades. We oppose these injustices and divisions. Support affirmative action to correct past injustices. Employers should bear the cost of their past discrimination, not the members.

Washington Watch

High Court Affirms Free Speech of Elected Officers

In an important victory for TDUers and all unionists, the U.S. Supreme Court in January ruled that elected officers may not be fired just because they express disagreement with the policies of other officers. The ruling affirms that the right of free speech in the union, guaranteed in the Landrum-Griffin Act, applies to elected officers.

TDU attorney Paul Levy, who wrote the brief submitted to the Supreme Court in *Sheet Metal Workers vs. Lynn,* explained the ruling's significance: "The decision represents a major victory for union democracy because, in a representative democracy, union members depend on elected officials to express their views frankly in the higher councils of the union. If union leaders could deprive their opponents of elected office, no member would feel safe in speaking out about union affairs, and dissent would be silenced."

The case involved an elected business agent of a Sheet Metal Workers local, Edward Lynn, who opposed a dues increase favored by an International-appointed trustee of the local. Lynn believed the officers should cut the local's expenditures before resorting to an increase in members' dues.

Lynn's opinion, publicly stated at a union meeting called to discuss the proposed dues increase, led to the proposal's defeat. The union fired him five days later for his dissent.

The Supreme Court ruled in 1982 that union officers could remove appointed officials who disagreed with their policies. However, it refused in *Lynn* to extend that holding to elected officers, who must be free to voice the opinions of the members who voted for them.

The precedent set by *Lynn* benefits TDU activists elected to office who are attempting to implement reforms in their locals. They can now speak freely in favor of reforms, without fear of retaliation by top union officers.

TDU Wins Again on Right to Obtain Contract Supplements Prior to Vote

A federal judge in Washington, D.C., told the International union Feb. 7 that it violated the Landrum-Griffin Act when it refused to provide carhaulers with copies of all the regional supplements before the contract vote.

Prior to local union meetings on the contract proposal in September, Jim Carothers and Dennis Wade requested that the union provide them with copies of all the supplements so they could prepare TDU contract bulletins for the membership and distribute them at the meetings. But the International forced TDU attorneys to take emergency action in court to obtain all of the supplements. Carhaulers subsequently rejected the first tentative agreement on their contract by 72%. A second offer was approved in October.

The IBT filed a motion to dismiss further proceedings in the carhaulers' case, because it feared TDU would set a precedent requiring the IBT to provide regional supplements to members who request them in the future. That is exactly what happened.

The judge ridiculed International Vice President and former carhaul negotiator Walter Shea's "reasons" for not honoring members' requests for access to the supplements. Shea had said providing the supplements to members resulted in lower attendance at union meetings and inaccurate reporting in the media.

The judge characterized the IBT position as "contrary to common sense," concluding, "the court cannot accept such a dubious proposition."

Up, Down & Around

⇧ **HOFFAS SUE FBI.** The children of Jimmy Hoffa sued the FBI on Feb. 9 to obtain its files on the former IBT president, missing since 1975 and presumed murdered by union rivals.

"We believe that we know, with very few exceptions, who, how, what, when, where and why it happened," an FBI spokesman said, but added, "we do not believe we have sufficient evidence to secure an indictment."

Barbara Ann Crancer, Hoffa's daughter, said, "I think it's time the family know what the FBI knows."

⇩ **FINANCING FOES.** On Form 5500 for 1987 (the most recent year available), the Central States Pension Fund reported owning $8,658,993 in bonds issued by non-union Federal Express; $181,425 in stock of Winn-Dixie, a non-union grocery chain; $59,063 in stock of union-buster Adolph Coors Co.; and nearly $10 million in bonds issued by Shell Oil, the target of an AFL-CIO boycott.

⇩ **STRANGE TWIST.** Detroit Local 243 President Jim Esser, justifying his new-found support for Majority Rule on contracts, stated in the local's paper, "The 2/3 rule was necessary ... back in the 1960s with Teamster President Jimmy Hoffa ... when our union was smaller; today the Teamsters is the largest and strongest union in the world." Stronger now than in Hoffa's day?

⇧ **RIDDLE.** Q: What's the difference between a dead skunk in the road, and a dead management consultant in the road?

A: Usually you'll find skid marks in front of the skunk.

⇩ **SAFE ENOUGH FOR OSHA.** When OSHA in January set exposure limits for 400 chemicals found in the workplace, it ignored recommendations by health professionals, labor unions and government experts. Instead, it rubberstamped the higher exposure guidelines of the chemical industry, despite industry-related testimony that the guidelines "are not developed for use as legal standards." OSHA went ahead anyway, calling them safe enough to protect workers.

⇧ **LABOR CONFERENCE.** "New Directions for Labor," an event open to all unionists, will be held May 19-21 in Southfield, Mich. (near Detroit). Featured speakers will include International officers, local leaders and organizers from many unions associated with the movement for new directions in labor. For more information contact Labor Notes, 7435 Michigan Ave., Detroit, Mich. 48210.

Teamster Reform: How It's Lining Up

TDU's Proposal

- One Teamster—One Vote secret ballot elections for General President and Secretary-Treasurer, among all 1.6 million Teamsters.
- Similar regional membership votes for all 16 vice presidents, one in each of 16 districts, each with about 100,000 Teamsters. For example, Canada would be one district, as would Ohio, New York City, New England and Upstate New York, Northern California, and so on. Every Teamster would vote for one regional vice president as well as the two principal officers.
- The entire procedure would be overseen by an outside, impartial monitoring agency, and elections would be held every three years.
- All bona fide candidates would be given access, on an equal basis, to special editions of the *International Teamster* magazine and regional union publications to present their platforms to the members without needing huge sums of money. Each local union would hold a candidates' forum for the candidates or their designated representatives.
- All delegates to IBT Conventions would be elected shortly before the Conventions. Officials would not automatically become delegates.
- No form of trusteeship over our union.

U.S. Justice Department Offer to Settle with IBT

- Rank and file vote, every five years, for General President, Secretary-Treasurer and the five Area Conference Directors. For example, Teamsters in the Southern Conference would vote for their director. The other 11 vice presidents would be chosen at IBT Conventions.
- All delegates to IBT Conventions would be elected shortly before the Conventions. Officials would not automatically become delegates.
- A court-appointed elections officer would supervise the next three elections—1991, 1996, 2001. Two other persons would be appointed by the court to serve until 1996 with broad powers to investigate and deal with corruption. This would include the authority to hear charges from members, discipline officers, and impose trusteeships on local unions.

Holmes' Deal with the Justice Department

- "... defendant Robert Holmes endorses the adoption of new provisions for the IBT Constitution: (i) requiring secret ballot elections of the IBT's International Officers, either by a convention at which all delegates are elected by direct rank-and-file secret ballot shortly before the convention, or by direct rank-and-file voting for the IBT's General President and Secretary Treasurer and the election of other International Officers as described above; and (ii) establishing an independent disciplinary official or committee to, among other things, initiate and resolve disciplinary and trusteeship proceedings within the IBT. ...
  "... if the Court determines that it has the legal authority and sufficient factual basis to impose equitable relief on the IBT, defendant Robert Holmes also endorses that the Court issue an order to require the appointment of an individual or committee(s) of individuals, not affiliated with the IBT ..." to oversee all of this.
- Holmes must resign all his offices. He has already resigned as International VP, and must resign his Local 337 post by May 1.
- In return, Holmes is dropped from the suit and "the Government hereby withdraws with prejudice its action against defendant Robert Holmes (including its claims attacking defendant Robert Holmes' right to pension, severance, or any other benefits ...").

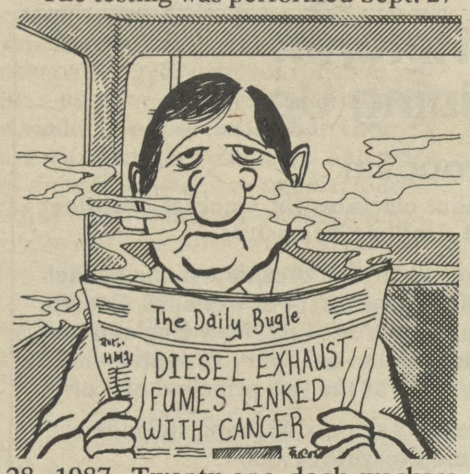
Note: To obtain copies of the TDU position, the Justice Department's proposed settlement, or the settlement made by Vice President Robert Holmes, write to the TDU national office. Non-TDU members please include a donation to cover copying, handling and mailing costs.

Use NMFA to Protect Against Diesel Exhaust

This is a follow-up article to our report in the last issue of Convoy Dispatch (Jan./Feb. #84) on the carcinogenic effects of diesel exhaust. While it uses a freight dock and the master freight agreement as examples, the problem affects warehouse and plant workers in many industries, as well as diesel mechanics, and bus and tractor-trailer drivers.

At the initiation of Local 229 stewards at Consolidated Freightway's Mt. Pocono, Pa., terminal, the National Institute for Occupational Safety and Health (NIOSH) conducted a health hazard evaluation of diesel exhaust. The results were startling.

The testing was performed Sept. 27-



28, 1987. Twenty-one dock workers were selected for medical interviews and a sample was taken of diesel emissions in the terminal. All 21 workers reported having black soot in their nostrils by the end of the shift and complained of upper respiratory tract irritations. All said that symptoms are worse during the winter months when doors on the dock are kept closed.

Sixteen of the workers reported eye irritation and tearing, 15 reported coughing up black-tinged sputum, and 12 reported sore throats and throat irritation. All interviewed reported the symptoms greatly improved or abated on weekends away from work and during vacations. In August 1988, NIOSH classified diesel exhaust emissions as "a potential occupational carcinogen."

As a result of its 1987 investigation, NIOSH recommended that when forklifts are left unattended, the engines should be shut off; and that when any forklifts are to be left unused during a shift, the older units should be selected. NIOSH also recommended better ventilation and the installation of exhaust fans. It called for a gradual phase-out of diesel-powered forklifts, in favor of propane-powered units or others that use less polluting fuels.

The current NMFA, Article 16, section 6, incorporated several of NIOSH's recommendations. Reports around the country have indicated that many employers are not complying with the new contract language. With that in mind, we would like to review the contract language and provide you with the tools necessary to enforce the contract and protect yourself from the ill effects of diesel exhaust.

1. The contract requires that every diesel-powered forklift shall be shut off whenever the driver leaves the seat. Under no circumstances shall diesel-powered forklifts be left idling when not attended.

2. Diesel-powered forklifts shall be tuned and maintained in accordance with schedules recommended by their manufacturers. Stewards and concerned employees should request copies of the manufacturers' recommendations. The company is contractually bound to provide you with this information.

3. Any diesel-powered forklift that is found to be smoking shall be taken out of service as soon as possible until repairs are made and the condition is corrected. Stewards or employees noticing forklifts emitting black smoke should bring this to the attention of supervisors immediately and have the unit taken out of service.

Companies under the NMFA have agreed to cooperate with government agencies, such as NIOSH and OSHA, who may come to your employer to check on levels of diesel emissions and make recommendations. If you feel you have a problem with diesel exhaust, you can make a request for a NIOSH Health Hazard Evaluation at your barn. Call them at (513) 841-4382 or contact a TDU office.

Your safety and health at work depend on your knowledge of the contract and your awareness of your rights under the law. Exercise your rights for a safer workplace and work together to make sure they're enforced.

CF Workers Slow Plan to Cut Hostler Bids at Emigsville, Pa.

Being new to the "good guy, new day" labor relations policy, it has apparently not occurred to CF management at Emigsville, Pa., that it might want to leave a month or so between making a promise and breaking it. The broken promises affect road, yard and dock employees.

Five road drivers were fired in September for contending that hookups should be done by yard hostlers, which are bid positions off the dock seniority list. The reason became clear when management offered to put the drivers back to work if York Local 430 would agree that eastbound, or "fast turn," drivers could be compelled to hook their own units. In short, the fired drivers were hostages.

Emigsville managers were just warming up. They told dock workers that they were not intending to use the change to reduce the number of bids for yard hostlers. But six hostler bids were eliminated.

They then began telling "slow turn" drivers they had to hook their own units. Only drivers who pushed back to defend themselves were told the truth. Management also had been telling road drivers who already had worked eight hours that they would have to drop their trailers, which violates the contract.

Sad to say, along with those compelled to drop and hook units, some road drivers have been volunteering to drop and hook not only their own loads, but in one case as many as eight units.

Local 430 President Kenneth Stocker responded Feb. 6 to CF's pressure with a clear directive from the union: "I am requesting that no slow turn driver ... make any drops, hooks or rehooks at the Emigsville facility. I am further requesting that no driver, fast turn, slow turn, bid or extra, make any drops or hooks at the end of his tour of duty unless it is to complete his eight hour guarantee."

After the letter appeared, two hostler bids were restored.

At a TDU meeting Feb. 6, yard and dock workers discussed how to establish the communication necessary to enforce the contract. They discussed the possibility of pressing union charges and assessing fines against drivers who undercut others' jobs.

At issue here is not simply the rights of yard men. Any driver in the future may be disqualified from driving over-the-road because of diabetes, high blood pressure or other illnesses. Preserving the maximum number of yard jobs now protects the future for such a union brother or sister who then will be able to work until a dignified retirement is secured.

Freight Lines

Yellow Freight Supervisors Certify Themselves.

The new NMFA drug-testing language, Article 35, Section 3, requires supervisors to receive training in a prescribed program on how to recognize drug use to determine "probable suspicion" for drug testing.

Yellow Freight's "training program" consists of a set of pamphlets to be read by supervisors. When they finish, they sign a "Certificate of Completion" included in one of the pamphlets. "Symptoms" of drug intoxication described in the pamphlets include a feeling of well being, anxiety, bloodshot eyes, laughter and inappropriate behavior.

The new NMFA drug-testing language has gone a long way toward accurate and proper testing to protect freight Teamsters from undue harassment. Supervisors should be given proper training on the signs of drug abuse instead of this inadequate program, which opens all freight workers to probable-suspicion testing based on the flimsiest shreds of evidence.

The National Institute on Drug Abuse (NIDA) on Dec. 15 released its first set of certified laboratories capable of performing drug tests under government regulations. Absent from the list was DrugScan Inc., which tests most NMFA-required urine samples. Under Article 35 of the NMFA all labs doing testing must receive NIDA certification by April 1. We'll keep you posted.

ANR Teamsters in Chicago Hold Out.

Local 710 dock and office workers employed at ANR took their third vote on the company's 15% wage cut under Article 6—and rejected the "profit-sharing" proposal yet again, 95 voting Yes, 65 voting No. A 75% approval was required. The vote to reject followed the approval by city drivers of the concessionary agreement in Local 705 a week earlier. But even these ANR employees saved about $2,000 by holding off the cuts that long.

ANR has pulled out all the stops in its attempt to coerce Chicago Teamsters into accepting the 15% wage cut and so-called profit-sharing agreement. The company imposed a 12% cut without the approval of the membership or the union and laid off 50 workers at the South Holland terminal. That 12% cut still holds for those workers defying the 15% cut.

Holmes Workers Vote for NMFA Scale.

Freight Teamsters at Holmes Route USA, formerly Holmes Transportation, after rejecting management's offers of a 10% wage cut in two Article 6 votes, have finally been put under the NMFA and will receive full scale.

Perhaps the reason Holmes was requesting the relief was because the former owners had been required to fund a half-million dollar escrow account to pay overcharges, over-collection claims and duplicate freight claims paid by shippers between 1984 and the sale of the company last year.

Current management claimed past problems have been rectified. It expanded operations in last year's acquisition of Suwak Trucking.

PIE Back in Black, but Workers Still Getting Pinched.

PIE's third-quarter financial report indicates the company, which began to make money in June, has continued operating in the black. For the three-month period of July, August and September of 1988, PIE reported an operating profit of $4.4 million and an operating ratio of 96.8.

Reorganization at PIE is continuing through a series of changes of operations, the latest involving line domiciles in the Midwest. Milwaukee is the hardest hit, losing 49 drivers. Two drivers will remain in Milwaukee to run Chicago turns direct or via as necessary. Other losing terminals are Cincinnati (-16) and Iowa City (-3). Chicago Local 710 stands to gain 23 drivers and Akron Local 24,10 drivers. The result of the change is a loss of 20 road and 12 city jobs. Phone bids will be held Feb. 27, with redomiciling by March 5. Workers transferring into Chicago Local 710 may keep their original H&W.

An earlier office change of operations apparently will result in the loss of dozens of jobs and a gain of only four to Dallas and non-union Jacksonville.

One Teamster's Opinion

Yellow Grievance Panel Undermines Our Contract

Roland Nelson
Local 639 steward, Yellow Freight
Baltimore, Md.

After experiencing my first "special" Yellow Freight grievance procedure, I came away with some serious questions about what the process will mean to Teamsters employed at Yellow and all other freight Teamsters under the NMFA.

My conclusion is that it could seriously undermine the established NMFA by coming up with different interpretations and establishing precedents especially applied to Yellow. This, in turn, could create a new set of conditions that Yellow would use to negotiate its own contract in 1991.

My own grievance was a simple change-of-operations hearing involving the Manassas and Fredricksburg terminals. The union's contention was that since the company was moving 22% of the freight from Manassas, it should move more than the two drivers it was proposing to move. Local 639 lost the case. It wasn't this particular decision that caused my concern about the new grievance procedure, but how the procedure has been set up.

Panel Gives Yellow the Power

We sat across the table from three representatives from Yellow. Under the former grievance procedure, Yellow would not have been part of the panel. For example, representatives from Roadway, CF and Carolina may have heard the grievance. While I understand that the employers generally stick together, their interests don't always come together.

It dawned on me that if Yellow really wanted to win a particular grievance, or suspend or fire some employee, all it would have to do is deadlock the grievance all the way to the National Committee. Then where would the union be? It could strike, which is highly unlikely. It could arbitrate, which is costly. Or it could accept Yellow's position. The grievance procedure under these conditions certainly stacks the deck in favor of Yellow Freight.

Now we are finding that grievances normally handled on the local level and resolved before going to the panel are going all the way. I suspect the union will win these minor grievances to make the Yellow panels look fairer, while the major issues that really concern the company will be deadlocked.

Reports from BAs and stewards in other areas confirm my suspicions. One business rep said, "Yellow lost only the cases it would have settled previously at the terminal level. The hearings were a charade."

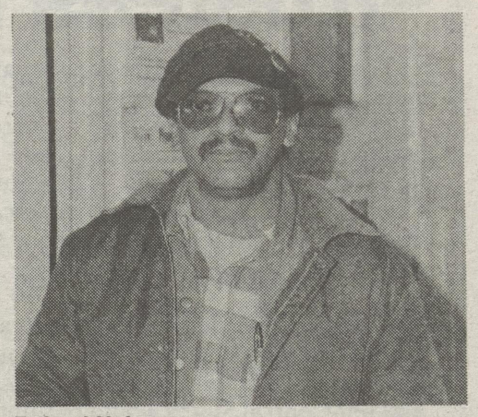
Loopholes in Agreement

I began to wonder if Yellow could alter the NMFA and all the interpretations that have laid a basis for past decisions under the contract. I was shocked to find gigantic loopholes in the agreement between the union and Yellow that could allow this to happen.

Section 12 of the Memorandum of Understanding states that "questions of interpretation are important to all signatories to the NMFA and that in the course of processing such questions of interpretation it is appropriate to consider the views of signatories who may be affected by the interpretation."

Consideration is not the same as *applying* past interpretations. But the biggest loophole comes later: "The parties also agree that the NMFA and Supplemental Agreements should be applied and interpreted in a uniform and consistent fashion."

We would hope that President William McCarthy, who signed the agreement, knows the difference between *should* and *shall*. After all, that difference in meaning is what contract negotiations are all about. You could drive a truck through that loophole.



Roland Nelson

Yellow Freight has firmly declared its intention to drop out of the NMFA next contract. I and my fellow Teamsters at Yellow in Local 639, without being paranoid, feel the special grievance procedure is another step toward that goal. We must be vigilant in monitoring the Yellow grievance procedure to ensure that it stays consistent with the NMFA.

If the IBT and Yellow Freight are serious about revamping the grievance procedure to best represent the members, how about including an independent arbitrator to break the series of deadlocks that seem inevitable? How about William McCarthy, Jack Yager, and the General Executive Board coming out absolutely in favor of a continued Master Freight Agreement? Until we get these assurances, we should remain skeptical about Yellow's and our union's motivations.

Richmond Needs Upgrading, Jersey Steward Shows How

Talks on Bunkrooms Yield Promises From Preston to Improve Conditions

Dominick Buscemi
Local 773, Preston Trucking
Allentown, Pa.

Grievances on the conditions at Preston's Richmond, Va., bunkroom have been filed by three Pennsylvania locals. The shop steward and business agent of New Jersey Local 641 personally called Preston to complain. Preston even admits the facility doesn't meet its standards, yet drivers are still being forced to use that bunkroom.

Two of the very few who consider the place acceptable are the Richmond business agent and Houston Wedlock of Preston's safety department, neither of whom have to stay there.

Yet recent developments show progress is possible, and we as union members hold the key. Real change won't come about without planning and solidarity. This was evident by the size of the turnout and the opinions expressed Feb. 12 at a York, Pa., Local 430 barn meeting.

Several Preston officials attended this four-hour session and fielded questions on a broad range of issues. Bunkrooms received considerable attention. Unfortunately, nothing more concrete was accomplished than promises to "look into it" and "commitments to upgrade or close down" substandard facilities.

Although the officers admitted that corrective measures are still needed at the Richmond bunkroom, they maintained it is suitable for the drivers to stay there. Some cosmetic adjustments have been made: new shower curtain, garbage removed from under the stairwell, new television—same rabbit-ear antenna though. But the major problems still exist—temperature control, noise and odor, among others. If the place isn't right, and Preston knows it's not right, why doesn't it close the facility until it's made right?

Wedlock said he inspected the Richmond facility and that, according to company standards, it was acceptable. He said he has used the bunkroom on several occasions. But as one driver pointed out, Mr. Wedlock is free to leave as soon as his rest is over. A driver can be held up to 14 hours waiting for a load. An occassional bunkroom stay—at the facility and time of his choice—isn't the same as being forced to live in these depressing detention cells five or six days a week.

It was announced that a new bunkroom facility will be opened in the North Boston terminal. Don Hargett, Preston's vice president of industrial relations, cited the lack of adequate motel facilities in that area as the reason. Where do drivers with the other trucking companies stay? Will this facility reflect the high standards we demand in respect of the drivers' professionalism, dignity and privacy?

When asked how much money Preston saves each year by using bunkrooms, Steve Kirby of Preston's operations estimated $500,000. "With that much of a savings," a driver pointed out, "the company should be able to maintain facilities equal to the Hilton!" Why isn't a major portion of this money reinvested into the bunkrooms to upgrade them to a level of quality and privacy expected at a good motel? Perhaps this should be an issue for the next contract.

Jersey City provides an example of the direction Preston should go with all its bunkrooms—turn their operations over to union stewards who care about their fellow Teamsters. In my last article I mentioned "the cold showers in Jersey City." This was misleading in the same article as Richmond. The union steward at Jersey works hard to see that his facility is—as bunkrooms go—A-1. He invited me on a tour of the facility last week and assured me the water heater was repaired as soon as possible. If you have a problem at Jersey City, let the steward know.

And let us know your opinions about the bunkroom situation, systemwide.

WELL I DON'T THINK HE DOES
I'LL PROVE IT, HEY BOSS!
YEAH BOYS
WHAT IS THAT OVER THERE BOSS?
THAT'S A HOLE-IN-THE-GROUND,
I'M WRONG STUSH, HE DOES KNOW THE DIFFERENCE,
ILLIG

Central States Trustees Try to Quell Growing Fire

'Trustees Report' Fails to Tell Full Story

Teamsters everywhere are demanding that our pension funds provide livable benefits. The trustees of the largest Teamster fund—Central States—are trying to put out the fire with a new booklet, "Your Trustees Report About Your Pension Fund." These eight wealthy men use a selective presentation of figures to tell us we're lucky to get anything.

'Unfunded Liability' Ducks the Real Issue

The trustees claim that Central States' "unfunded liability" of $2 billion means benefits can't be raised. The liability is the difference between the amount Central States would pay out if every vested participant retired tomorrow, and what the fund has in the bank. But they mislead Teamsters and their families by saying this.

The movement that has been gathering steam nationwide among Teamsters has already had a big impact in many funds. Now Teamsters are joining the movement in Central States in a big way. The Central States trustees are starting to feel the pressure, but it's nothing compared to what's coming.

The liability is already dropping fast, due to their refusal to increase benefits. Their own figures admit this. It is quite low by the standards of other large multi-employer funds. Furthermore, it is unrealistic to talk about everyone retiring tomorrow. The trustees know this, but they have their reasons for doing so, which are not stated in the booklet.

Take Arthur Bunte, one of the eight trustees and the employers' chief negotiator for the National Master Freight Agreement. His goal is to avoid increases in employer contributions to our fund. Under the current NMFA there are zero increases in pension contributions. The 20-cent-per-year contribution increase is going into Health & Welfare. If Bunte can keep our benefits frozen, his clients—the employers—won't have to raise their contributions. This is the real reason behind the trustees' refusal to increase our benefits.

Another reason the trustees don't mention is that employers who close operations and eliminate jobs don't want to pay money into our fund. By law, a company that goes out of business must pay its proportional share of the liability. If the employers eliminate all unfunded liability, they do not have to pay a penny if they close.

The Balance of Payments Question

The trustees state, "In 1988 alone, your Pension Fund paid out over $900 million in benefits while taking in only $818 million in contributions." A more accurate statement would be: "the fund paid out over $900 million in benefits while taking in $1.655 billion in contributions *and* investment earnings." If employers had paid zero in 1988, the fund's return on investment—$832 million—would have been almost enough to cover everyone's benefits.

The fund should not immediately spend all the earned interest. Some of it must be reinvested. But when it pays out one dollar for every two it takes in, we must question if benefits are as high as possible.

The trustees say "the contribution dollars made on behalf of a working participant are returned to him within the first few years of retirement." They give an example of a Teamster who had $39,165 contributed on his behalf over 33 years, and retired to a $1,500 per month benefit. Unless Central States hides its money under a mattress, the $39,165 in that example spent years earning interest. The actual figure would be at least $85,000 over 33 years—and that money would continue to earn interest.

The trustees "forget" the thousands of Teamsters who leave the industry without becoming vested and never see a penny of the contributions that were put in for them. For example, a Teamster who quit at the end of 1988 after nine years under the NMFA would have had a total of about $38,000 in contributions and interest earned in his name. That $38,000 will now earn interest for everyone else.

The Re-Employment Question

The trustees are not straightforward in their defense of Central States' "re-employment rule," which prevents a retiree from working to supplement his or her pension benefits. The trustees claim their goal is to keep from "subsidizing" non-union competition: "we have no intention of making it easy for non-union employers doing Teamster Industry work to undercut the business costs of their union competitors by hiring pensioners whose benefits make it possible for them to work for a lesser wage."

None of these eight wealthy men practices what he preaches. Consider the employer trustees. Arthur Bunte is president of Trucking Management-Inc.; Howard McDougall, Robert Baker and Rudy Pulliam are executives of state and regional trucking-industry employer groups. They represent employers such as Roadway, CF and Preston who have non-union subsidiaries. Do you think Bunte, McDougall, Baker and Pulliam have told these companies about their concern for non-union wages undercutting the Teamster industry?

Now look at the union trustees. In 1987, Marion Winstead collected $158,539 from four union jobs. Robert Sansone made $159,591 from four union jobs. Jerry Cook made $124,503 from four union jobs. The fourth union trustee, Loran Robbins, has retired and been replaced by International Vice President Daniel Ligurotis, whose qualifications are open to question (see *Convoy Dispatch*, Jan./Feb. #84, page 11). Each union trustee is covered by at least three pension plans, at least two of which are officers-only plans with no strict re-employment rules.

Central States' re-employment rule isn't just aimed at the Teamster who retires and then joins a non-union company, such as Overnite Transportation. The rule is designed to prevent you from doing *anything*, whether or not it's the same type of work and the same industry that you were in as a Teamster.

Union Trustees' Pensions—and *Yours*

The trustees say, "We have shopped and compared and are confident that the benefits available from your Pension Fund are among the top benefits payable by any pension fund." But the union trustees "forget" to shop and compare with their officers-only pension funds. Each union trustee is covered by the Retirement and Family Protection Plan, the "Rolls Royce Plan" for employees of the International. Consider these differences between Central States and the Rolls Royce Plan:

***Your* Plan**—Vesting after 10 years.

***Their* Plan**—Vesting after seven years.

***Your* Plan**—Participant must have 30 years of contributory credit and work till age 65 for top benefit of $2,000 per month. As the trustees put it, "Sure, he [you] may have to work to age 65, but the opportunity to receive a benefit of this size is there waiting for him [you]."

***Their* Plan**—Participant gets a full benefit at age 57 with 15 years' credit. Annual benefit is based on participant's average salary during their five highest-paying years. For many members of the General Executive Board, this figure is over $100,000. A long-time participant, such as Robert Holmes (see story, page 7), can qualify for a benefit equal to 100% of his International salary.

***Your* Plan**—No re-employment of any kind, with four specific minimum-wage exceptions.

***Their* Plan**—Benefits suspended if a participant returns to the International; other work permitted. The Rolls Royce Plan allows Teamster officials—such as former International Vice President Andy Anderson—to collect a pension while working for management.

TDU's Program

More and more Teamsters have had enough of fat-cat officials condemning us to poverty-level pensions. TDU's program: 1. we demand the right to *elect* the union trustees who represent us; 2. we are organizing to demand better pensions, including supporting the move to conduct an independent actuarial study of the Central States Pension Fund; 3. armed with the new weapon of Majority Rule, we will vote No on any major contract that does not provide for substantial pension improvements.

If you think Teamsters need and deserve better pensions, we invite you to join TDU. Fill out the application on page 1, and contact us about organizing in your area to back the movement for better pensions.

A Reply to the Pension Trustees

Jim Buckner
Local 667, Roadway Express
Memphis, Tenn.

What is union reform? It is nothing more than getting our union back to basics. Unions are to look out for the American worker and their families, to win decent wages, safe conditions and health care, and above all to provide a retirement after a person has given the better part of his or her life in service to a corporation.

We Teamsters give the employer a good day's work. We earn our pay and should be able to retire above the poverty level, free to lead a normal life not overly restricted with unfair rules. A retiree should be able to look back with pride on spending a life in the labor movement and the Teamsters.

Do we have this situation today? No. We have a work-till-you-die plan in the Central States Pension Fund. Only our officers, with special plans paid by our dues that provide three and even four pensions, enjoy this kind of retirement. The eight men who rule the Central States Fund have huge salaries and enjoy their special pension plans with totally different rules. Recently Teamster President William McCarthy announced to our officials that their special pension plan, the Affiliates Plan, will increase their pensions $500 to $1,100 per month. Quite an increase for them! It's no wonder they care little about the rank and file.

Here at Roadway Express in Memphis, on the road board alone, we had four men die in a one-month period. These four Teamsters had a total of over 80 years paid into the pension fund. Their wives will receive very little, except the life insurance that comes from the H&W fund. The trustees didn't talk about that in the report they sent us recently. They mentioned the various companies that have gone out of business, such as TIME-DC, McLean, etc., so they are no longer paying into the pension fund. But how many thousands of those Teamsters who lost their jobs, after paying into the fund, will never see one dime of it? The trustees didn't bother to tell us why this money cannot be used to provide better pensions.

Reform of our union, starting with our pension fund, is very much needed. If more of us do our part we can make it happen.

UPSers in Central States Organize!

Movement for Better Pensions Spreads

Two hundred rank and file Teamsters gathered in Columbus, Ohio, Feb. 5 to plan a strategy for improving Central States Pension Fund benefits. The meeting, sponsored by the Central Ohio Teamster Pension Improvement Committee (COTPIC), an independent rank-and-file group, featured advice from a panel including a pension lawyer, a pension expert, a TDU leader, and the chair of the Western Pennsylvania Fund pension committee.

Those in attendance enthusiastically endorsed a plan to gather some hard data on the state of the fund, and to make pension contributions a focus of UPS contract bargaining. The contract expires August 1, 1990. Most of the Teamsters in attendance were UPSers from Central Ohio, but freight and Kroger Teamsters were also present and welcomed.

An eye-opener for the UPS Teamsters at the meeting was a chart contrasting the Local 710 (Illinois) Fund benefits with Central States. UPS retirees in Local 710 receive twice the 30-and-out benefit.

This was the third meeting sponsored by COTPIC in recent months and by far the largest. Committee members, composed of UPS drivers in Local 413, have been educating themselves and their co-workers on how the Central States Fund works. They are now ready to go forward and get the actuarial information that could force the fund to improve pensions.

Their efforts have been widely supported by UPS Teamsters in Ohio. After starting with a treasury of a few hundred dollars, COTPIC had gathered donations totaling in the thousands of dollars by the February meeting, with more coming in. With a growing committee and network of concerned Teamsters, COTPIC members are confident that pension improvement is an idea whose time has come. The movement is going to spread throughout the area of the Central States Fund.

Following is a brief summary of what the guest speakers had to say:

Karen Friedman of the Pension Rights Center in Washington, D.C., gave some examples of the Center's work in helping to improve pension benefits for a variety of retirees. She suggested ways to approach the Central States trustees on the subject of benefit levels, and stressed that these strategies depend on a clear understanding of the plan's financial health. She explained how to obtain the financial information needed, and recommended using an actuarial accountant to interpret the data.

Ann Thompson, a prominent Detroit labor lawyer who has already won millions of dollars in pensions for Central States Teamsters, discussed the prospects for going to the courts for better pensions. While she described litigation on the benefits to be premature right now, Thompson said a suit could be part of a multi-pronged strategy for improvements.

Contract Organizing Is a Key

Mike Friedman (not related to Karen), a long-time TDU steering committee member, gave his assessment that Local 710 members had been able to get better pensions because they can directly pressure one of the trustees, who is also the local's president. Majority Rule on contract votes now gives increased bargaining power to the rank and file. Approval of the 1990 UPS contract, for example, will depend on getting sufficient pension increases, guaranteed.

Stewart Frazier, chair of the Western Pennsylvania pension committee, said the actuarial study his group had commissioned did not by itself provide the key to better pensions. He said the study gave his group a basis for meeting with the fund trustees. The Western Pennsylvania committee will work to get sufficient employer contributions to provide a livable pension, by linking into the nationwide contract campaign.

Columbus attorney Bob Handelman reported on the lawsuit filed by UPS Teamsters against the Central States Fund, UPS, and the International union for making a secret deal to "waive" $4 a week in contributions from September 1985 to April 1987 for each Teamster covered.

The organizers of the meeting agree that rank and file Teamsters have a long way to go, but are off and running. The movement that has been gathering steam nationwide among Teamsters has already had a big impact in many funds. Now Teamsters are joining the movement in Central States in a big way. The Central States trustees are starting to feel the pressure, but it's nothing compared to what's coming.

For Robert Holmes, Parting Is Such Sweet Sorrow

Pensions of One Lucky Teamster

International Vice President Robert Holmes resigned in January, saying he had been planning to retire and spend more time with his family. Actually, Holmes' retirement came as part of a deal he signed Jan. 31 with the U.S. Justice Department to get out of the racketeering lawsuit that will go to trial March 13, and to free his pensions from possible government seizure. He will also resign as president of Detroit Local 337 effective May 1.

By cutting this deal, Holmes, 76, is free to collect his Teamster pensions. He is eligible for at least four (4) of them, all funded 100% by the dues of the Teamster membership (no contributions were made by Holmes). Three of these four are from special plans, which only Teamster officials are permitted to participate in. The TDU staff has researched the amount that Holmes will collect from his four pensions:*

Holmes Pension #1

Retirement and Family Protection Plan, the "Rolls Royce Plan" for employees of the International only—**$131,339 per year for life.**

Holmes Pension #2

Teamster Affiliates Pension Plan, for officers, business agents or other full-time union staff—**$25,125 per year for life.**

Holmes Pension #3

Joint Council 43 Plan, for officials and business agents only—**$25,500 per year for the next five years.**

Holmes Pension #4:

Central States Pension Plan, for members and officials both—**$24,000 per year for life.**

Total—$205,964

So Robert Holmes will now collect $205,964 per year, or $17,164 per month, from the dues of the rank and file. Plus, he may collect still more income by becoming a "consultant" to a Teamster fund.

Holmes was a trustee of the Central States Pension Fund until 10 years ago. He was forced to resign after investigations revealed the trustees had turned Central States into the "Mafia Bank."

The Detroit Kroger Bakers

In reporting Holmes' pension, we would not be telling the full story without mentioning the 150 Kroger bakers in Holmes' Local 337. In 1979, Kroger shut down its Detroit bakery. One Teamster, Mary Robak, had 43 years of service at the time. Many others had also been there for decades.

When the Central States Fund used a technicality to deny the bakers even one penny of pension benefits, Holmes wrote to the bakers that "there is no further action this union can take on your behalf." When the bakers then sued, with TDU's help, to get their pensions, Holmes was in court fighting them. He sent out a letter denouncing their efforts and smearing the steward who had kept the group organized.

Despite Holmes' best efforts Mary Robak and the other Kroger bakers won full pensions with back pay, thanks to good organizing and legal representation. Their modest benefits may pale in comparison to Holmes' megabucks. But we think the Kroger bakers have enjoyed their pensions in a way that Holmes will never be able to.

**Our figures are based on pension-plan documents and on LM-2 financial reports filed with the U.S. Department of Labor. We use certain reasonable estimates and assume certain choices Holmes will make regarding options that these plans offer him. Holmes may choose other options (lump sums, etc.), which will be the equivalent of the figures listed.*

DOC
WE HEAR YOU ARE GOING TO RETIRE FROM YOUR JOB HERE AT THE UNION HALL?
YES, I WANT TO BE WITH MY FAMILY.
YOUR BROTHER?
OR SISTER?
GODFATHER, ACTUALLY.
OH! THAT KIND OF FAMILY.
© 1989 RACTOP

Signatures Pile Up on Pension Petition in West

The petition drive for better pensions in the West is picking up steam. Nearly 10,000 signatures have arrived so far, and many more are expected by the March 15 deadline. Petitions have been returned from 72 of the 132 Western Conference (WCT) locals in the continental states.

The petition asks the Western Conference Pension Plan for a cost-of-living adjustment to benefits, $2,000 per month benefits for 30-and-out at any age, steps to bring Teamsters at lower contribution rates up to the highest level, and equal—rather than reduced—benefits for surviving spouses.

The need for adequate pensions in the WCT has become even more urgent as decent health coverage becomes less available. The Western Teamsters Welfare Trust, which covers over 30,000 active and retired Teamsters, recently implemented drastic cutbacks that shift much of the cost of health care onto the participant. The trust now charges $105 per month to non-Medicare retirees, and an additional $105 to include spouses. The deductible for a calendar year has been doubled to $400. Other health plans in the WCT are even less dependable.

Teamsters must take a stand now. For copies of the WCT petition, or for information, contact TDU Western Organizer Doug Allan, (714) 593-9791.

New Leadership Announced at Central/Southern

Progress at Carhaul Panel

As *Convoy Dispatch* goes to press, the Central/Southern grievance panel meetings in Florida have just been completed. Final results have not been published, but stewards and business agents report significant changes in atmosphere, results and leadership of the panels.

Leadership slots on some panels are being filled with people from major carhaul and truckhaul locals. Ron Owens, president of Detroit Local 299, will become a union co-chairman of the grievance committee at the national level. Local 299 has nearly 2,000 carhaulers, with many companies represented.

The largest regional grievance panel is the Central/Southern. It will now be chaired by Local 299 business agent Charlie Lee. Although Brother Lee does not have much experience as a business agent or as a working carhauler, he has many experienced stewards and members in Local 299 to call on for support, and he'll be able to get feedback regularly at the local's carhaul craft meetings.

In the heavy truck driveaway panel, the precise changes are less clear, but hopefully new leadership in this area will organize the members to salvage this neglected part of our carhaul contract. An urgent first step will be to bring together stewards elected at each facility to map a plan for standardizing this contract and for organizing the non-union sector of this industry.

Although decisions from the Central/Southern panel have not been released, reports are good and one major grievance was settled. Detroit Local 299 Ryder drivers had been deadheaded into the Smyrna, Tenn., Nissan plant to haul West Coast loads. Although no vote had been conducted, the company went ahead and paid these trips on the running mile. When Ryder saw the handwriting on the wall in Florida, it agreed to pay about $1,700 to each of about 30 drivers.

In presenting the grievance, CCI steward Jim Carothers noted that if Ryders' practice were allowed, "management would set up an auction block at the dispatch window and sell trips to the lowest bidder."

We also hear that CCI drivers in Nashville Local 327 are pursuing information on how much traffic Ryder has hauled out of their jurisdiction without giving the local its share.

All in all it sounds as though the recently completed carhaul grievance panel meetings were a good step forward on which to build.

Owner-Operator News

NLRB Charges against Kenosha Auto Transit for failing to supply information to New Jersey Local 560 are set for trial in March. The case involves information needed for investigating the accuracy of KAT's pay to its owner-operators.

Appellate arguments in the Pontiac Fleet Carrier ancillary charge case were heard Feb. 9 at the U.S. Court of Appeals in Cincinnati.

Memphis CCI owner-operators work under tariff #411.D, which provides extra payments for oversize, overweight and other unusual cargo. ICC regulations require the company to bill the customer according to the tariff. These drivers haven't had a rate increase in 10 years. When they got the tariff from Chicago drivers, they asked management where the extra payments had gone all these years. The drivers were commended for discovering this oversight. They have been told the pay will be recalculated. But since a similar promise was made and broken to West Chicago owner-operators, a grievance has been filed.

A Must in Every Wardrobe!

TDU Sweatshirts

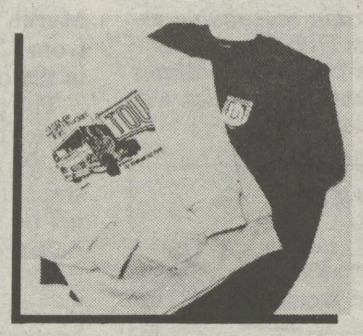
High quality crew-neck sweatshirts feature the TDU emblem or truck logo. Available in royal blue, red or black. $12 each.

Please specify:

Style: ❑emblem ❑truck

Color: ❑royal ❑blue ❑red ❑black

Size: ❑small ❑medium ❑large ❑X large ❑XX large



Amount enclosed $ _____ *or*

VISA/Mastercard # _____ Exp. date ____/____

Signature _____

Name _____

Address _____

City/State _____ **Zip** _____

Return to TDU, Box 10128, Detroit, MI 48210

Carhaul News

Auto Convoy Members Defend Right to Vote.

Auto Convoy members have the only rider providing for systemwide seniority. They've had it for decades and it was approved by the members when it was first instituted. Last year a new rider was negotiated curtailing seniority rights **and providing for reduced rates on ABC trips** (full rate, frozen rate, half rate). A grievance was filed asking for delay in implementation pending a vote. The grievance was denied and a lawsuit has been filed since both the contract and the constitution clearly provide for votes.

Hadley Auto Transport in Phoenix has gone back on an offer to hire as drivers rail loaders who are being laid off as a non-union outfit takes over. This is after some loaders had learned to drive a truck on their own time. Pretty sorry.

Discharge Upheld for Verbal Abuse.

The Central/Southern Grievance Panel invented this new category of dischargeable offense when it upheld the discharge of CCI Dearborn driver Bob Grace. In an incident lasting less than one minute, management had accused Grace of some offense and he had answered back in a manner management says was loud and obnoxious. Grace had worked for CCI since 1978.

CCI drivers in Local 104 will get several thousand dollars in back pay following a grievance decision forbidding Ryder from shipping Convoy drivers into Phoenix to haul CCI's auto auction freight at a cut rate.

In **Jacksonville,** pay for driving to the port had been a flat rate of $6.58 for driving 17 miles. Local 512 has filed a grievance to get the full mileage rate, which was deadlocked at the February Central/Southern Grievance Panel. **Houston and Jacksonville CCI** drivers are also fighting Ryder's change in the long-standing practice of paying extra loading stops as a skid drop in the normal escalating skid-drop progression.

At Phoenix PMT a rail loader fell off a bi-level rail car, suffering a concussion and broken arm. Since he was stunned, his girlfriend was asked to sign a form at the hospital. On that basis management ordered him tested for drugs. He passed the test, but wonders if he landed in a country where the rights of unconscious people can be trampled on.

The Convoy terminal in Chicago is handling Toyotas at the rate of 30,000 per year and has one driver. It's good to see Local 710 is on its toes about keeping this terminal fully staffed.

Ryder Cuts Mileage Calculations, Robs Drivers.

Another front for Ryder Robbery is cuts in mileage calculations. The union has apparently done Ryder and other carriers a huge favor without getting anything in return. Past practice in the Central/Southern clearly required resolution of disputes about mileages with the union before implementation. But in 1985, CCI unilaterally put widespread mileage cuts into effect, routing drivers over some of America's smoothest cowpaths. These cuts can only be put into effect 16.6% per year and only on dates specified in Article 61.17 of the Central/Southern contract. Since management and union negotiators did not change these dates in the 1988 negotiations, there was widespread expectation that the mileage cuts were being suspended until 1991. There was equally widespread disappointment at a memo granting management the right to make these cuts on Feb. 15. Drivers were shocked to learn that Ryder had been taking the cuts without asking anybody since November.

Update on Ryder Lease.

In December, **CCI owner-operators in West Chicago** were shown a letter from Ernie Tusino to Ralph Thompson of CCI recommending that they sign the new substandard, systemwide Ryder lease. Tusino based this on a verbal promise from Thompson that the drivers would suffer no additional economic loss from signing the new lease. Drivers asked to receive a letter directly from Tusino, along with a written version of Thompson's promise. The letters must have gotten lost in the Christmas mail.

Ryder Social Security Scheme.

Ryder Systems' new scheme to exempt some payroll from social security tax has been unilaterally implemented. Ryder says it's legal to label 15% of pay for trips over 225 miles as reimbursed road expenses, and exempt that from social security taxes. There's no doubt the company will save from this. Drivers would save some taxes, but many will also lose potential benefits. We are preparing a breakdown of the possible costs.

More news next issue on a new Ryder operation running non-union under a Quality Auto Transport label with drivers leased from a Cleveland outfit. We hear they are delivering inbound rail traffic to Michigan, Ohio and Indiana from the new railhead in New Boston, Mich.

When members of the Roanoke, Va., TDU chapter arrived to set up a recent meeting at the Holiday Inn, they were greeted by this marquee, which originally read: *Welcome Teamsters for a Democratic Union*. Coincidentally, Joint Council 83 had scheduled its annual meeting the same day, same hotel. The welcome was modified. Unfurling the TDU banner and making their statement above are UPSers Roosevelt Via of Local 171; J. Anthony Smith of Local 639, and a member of the TDU International Steering Committee; and Carlton Beckner of Local 171.

Nor Cal Rider Has Innocent-Till-Proven-Guilty

Grievance Procedures Must Protect Right to Stay on Job Till Proven Guilty

For most UPSers who are suspended or fired, the grievance procedure assumes our guilt until we prove our innocence. Consider an example ...

A package car driver is told she's being fired. Nine days later the discharge letter arrives in the mail. Management writes that after months of OJS, the driver continued to use improper methods. She was fired for "failing to follow instructions."

The driver sweats it out until the state grievance panel meets two weeks later, where management uses old and bogus warning letters to build a case against her. The business agent successfully argues against each and every warning letter. The panel deadlocks.

Five weeks later at the Joint Area Committee the driver "wins" her case, but is shocked to learn she will return to work with no back pay. This is justice? She just proved her innocence! Back at work she modifies her behavior, skips lunch to run scratch or better, and in 14 months she's almost caught up on her debts. ...

As it now stands for the vast majority of UPSers, the grievance procedure gives UPS extreme leverage against us. Knowing it is likely to face no penalty for being wrong, management can use the grievance procedure to teach us a lesson: *don't get out of line or you'll get strung out.*

The chilling effect this creates is considerable, and it weakens our union. But whether you're in Fort Worth or Cleveland, Jersey City or Jacksonville, it doesn't have to be this way. The grievance procedure is a subject of bargaining. We can negotiate fairer procedures in our supplements and riders.

The Northern California Package Car Rider sets the existing standard for a fairer grievance procedure. Northern California UPSers are considered innocent—and stay on the job—until UPS proves them guilty. Unlike most supplements and riders that require UPS to give written notice of discharge or suspension by registered mail within 10 days, in Northern California the time limit is five days.

Except in those extreme cases where UPS may jump to immediate discharge, such as theft or intoxication on the job, "an employee to be discharged shall be allowed to remain on the job, without loss of pay, unless and until the discharge is sustained under the grievance procedure." Suspension cases are handled similarly.

"Rarely is anyone discharged," says Oakland Local 70 steward Doak Jones, a member of the UPS Committee of TDU. "If it deadlocks at the panel, it goes to arbitration and the worker still remains on the job until the arbitrator rules.

"UPS can take you off the job for stealing time, just as they can anywhere else, but they know if they are wrong they'll have to pay and that makes them very careful," he said.

UPSers should put innocent-till-proven-guilty high on our list of demands in our supplemental negotiations. Such nationwide demands would protect the higher standard in Northern California, which we expect the company will continue to attack.

"They tried to go after it in the last contract," Doak said. "Obviously, UPS would like to get rid of it. They'd like to have the leverage of the fear factor that they have in other areas."

It is time to bring every supplement's grievance procedure up to the fairer practice in Northern California. The burden of proof should be on UPS.

UPS and Downs

Big Brown Seeks Global Supremacy.

UPS is battling it out for global supremacy in the package delivery business. The fighting is fierce among several multi-national corporations: Federal Express, DHL Worldwide Express, Australia's TNT, and Japan's Nippon Cargo Airlines.

"By the end of 1989, the UPS brown vehicles and uniformed delivery drivers will be seen throughout vast portions of the world," said UPS Chairman John Rogers, quoted Jan. 23 in *Transport Topics*.

Vast portions indeed. UPS announced Jan. 17 the acquisition of seven more companies in Europe and Great Britain. One, IML Air Services Group, is expected to strengthen UPS' network in the Pacific Rim, West Africa and the Middle East. With its German and Italian subsidiaries, UPS is in position to provide ground service across Europe. It plans to move into Central and South America, and is now reported to provide door-to-door service in 40 countries, plus service to 57 cities in the People's Republic of China.

UPS and Federal's rapid expansion to outflank one another is costly, as neither company is now making money overseas. To complete its global network, Federal received U.S. government approval Jan. 31 to buy Tiger International Inc., the world's foremost heavy-cargo airline, for some $880 million. UPS has been using Tiger to serve Tokyo, Hong Kong and Singapore.

UPS lost $20 million on overseas air shipments in 1988, according to *Business Week* (Feb. 13), and spent some $100 million on its overseas acquisitions. Says *Business Week:* "With assets of $6.5 billion, minimal debt, and $480 million in cash, Rogers can easily afford the losses he foresees as he pushes international sales to $1 billion in the next four years."

UPSers may now know why our Thrift Plan dividends dipped last year.

KORE Week.

In honor of KORE Week—Keeping Our Reputation for Excellence—UPS' purpose for creating these groups should at least be questioned. Are they really "a platform to bring out the best in all of us?" UPSers do an excellent job. We work very hard. We understand "Service By Example." We're smart people with innovative ideas. But if UPS truly wants to involve us in decision-making, it should do it in good faith. Pay all of us—not just a select group—to meet in an open atmosphere that respects our intelligence and our union. Does KORE do that? Or is it a false "teamwork" that really aims to scare us about competition, keep us focused on production and urge us to compete against ourselves? Is KORE really, Killing Our Respect for Each Other?

—J. Anthony Smith, Local 639 package car driver, UPS Committee of TDU

Transfer to New Trailer Shop Denied in Kansas City.

Five part-time employees in the Kansas City area have been denied the right to be considered for some of the 70 full-time jobs at the recently opened regional trailer repair facility. The denial violates Article 3, Section 10 of the Central Conference Supplement, Article 39 of the Master Agreement and the UPS Policy Book directive that "we promote from within." The workers are skeptical about the success they'll have through the grievance procedure. But it is unlikely that this violation is consistent nationwide. Please report any precedent-setting differences to the UPS Committee of TDU in Detroit.

—Michael Savwoir, Local 41 feeder driver, UPS Committee of TDU

West Coast UPSers Publish Regional Newsletter.

West Coast Packages, a rank and file newsletter for UPSers, began publishing in January. Editors in California, Oregon and Washington file reports from their regions. The newsletter is distributed up and down the West Coast. This is an excellent way for UPSers in the coastal regions of the Western Conference to build solidarity.

A free press isn't cheap, but a subscription is. Your $5 annual subscription will help the editors meet postage and printing costs—and help keep a good thing going. *West Coast Packages*, 3309 W. Elmore, Seattle, Wash. 98199. Following is an excerpt from a page-one story.

Tacoma's Not-So-Private Locker Room.

Big Brother is apparently alive and well in Tacoma, Wash. Male employees were irritated by the note posted on the timeclock directing them to move into one of the two men's locker rooms. They were even more inconvenienced that in the middle of winter the heater didn't work. When the heater vent cover was removed for repairs, a video camera and microphone were discovered hidden in the heater recess! A driver notified the business agent who, with the local's secretary-treasurer, removed the camera. Some of the drivers were particularly incensed because Tacoma's loss prevention person is a woman. We believe there is no way a surveillance camera could have been put into that locker room without the knowledge and consent of the center manager, whose office just happens to be below the locker room. Local 313 filed a grievance on the use of the devices.

—Connie McArthur, Local 174 feeder driver, UPS Committee of TDU

Allentown Local 773

Cement Haulers Face Carriers' Cuts in Pension Contributions

A strange drama is unfolding among the bulk cement carriers in Pennsylvania's Lehigh Valley. Many long-time members of Allentown Local 773 drive for Chemical Leaman, Schwerman, MTS and Keystone. The companies have long been part of a multi-employer regional tankhaul agreement, but are bargaining alone for the next contract, which begins March 1.

The new negotiations are clouded by management's failure to live by the contract they signed three years ago and by the union's total failure to hold them to it.

In 1986, immediately after agreeing to pay the top pension contribution of $293, management and Local 773 business agent Ed Tonka apparently agreed to freeze the contribution at the old top rate of $242 per month. The pension fund is run by the officers of Reading Local 429.

In January 1987 the pension fund switched from a defined contribution system to an Individual Savings Account system. Sensing an opening, the bulk carriers' management soon asked to reduce pension contributions again, this time to $97 per month.

At a meeting May 17, 1987, Tonka conducted a vague, non-secret straw poll of the tankhaul members. They voted to authorize Tonka to have discussions with the pension fund, but did not OK a reduction in the pension contribution. What happened next is unclear because members have been stonewalled on repeated requests for information. They have been shown no paperwork.

But the effect was devastating. Management not only cut the contribution to $97, but made the cut retroactive to March 1, 1987. To this day there has been no resolution to the grievance that was filed immediately after the May 1987 meeting.

The IBT Constitution requires a secret vote on such questions. TDU attorneys have enforced this in court. Tonka and management have recognized the illegality of the vote by continuing to ask the drivers to approve a cut in the pension. Meanwhile, they have been paying the reduced rate.

The companies may hope to rush the drivers into a vote on a new contract that would give retroactive approval for the pension cut. That's why members are pressing for the following union policy: *All stewards at all bulk carriers will be kept informed of all developments in negotiations. Before a vote is taken on any agreement, a meeting will be held at which members from all the carriers can hear the agreement and ask questions.*

Cumulatively, these drivers have worked for centuries to secure their retirement. They deserve the support of the local union and all Teamsters in defending it.

What One *Convoy Dispatch* Can Do

Doug Allan
Local 208, Yellow Freight (retired)
TDU Western Organizer

Many of you don't realize it, but you are organizers for TDU.

A couple of months ago I received a call from a worker at Chem Central, a chemical company near Los Angeles. The 30 workers at this plant are members of Teamsters Local 578.

The chemical worker told me that he and his co-workers were dissatisfied with their contract, which expired in January, and they wanted to know more about TDU. We set up a house meeting and 22 of the 30 workers showed up on a Sunday to talk union. They began to realize that their strength to gain better conditions was attainable through their unity.

Since that meeting they have expressed their solidarity by wearing TDU buttons at work. They have expressed their desire for a stronger union and better representation by writing letters to their local union requesting copies of their contract and local union bylaws. They have begun to learn their legal rights and are working to improve their contract.

What does this have to do with being a TDU organizer? The worker told me he found out about TDU through a Matlack tankhauler who gave him a copy of *Convoy Dispatch* and told him to call TDU. That Matlack driver helped organize TDU by spreading the word to a new group of Teamsters.

That's what just one *Convoy Dispatch* can do. Keep up the good work. If you're not now distributing but would like to help build TDU, or if you'd like to increase the size of your bundle, see page 12.

Freight Opinion

Organize to Build Our Unions for Our Kids

Deane Allen
Local 952, CF
Corona, Calif.

Who should work their whole life just to retire and a few years later die? Thirty years and out with a full pension would be great for young men like me (I'm 29).

About CF and its questionnaire on profit sharing—what a joke. CF is testing the water for takeaways. CWX and the other Conways are growing and blanketing the nation with scabs. Is CF next? Teamsters must take a stand against these greedy major companies. No more chintzy 35-cent-an-hour raises. We must unite and walk if we have to before we get another gypo contract shoved down our throats.

The almighty Teamsters have done nothing to organize the ever-growing mass of scab carriers. What are our dues paying for other than fat-cat salaries? We must organize the unorganized. TDU is the best thing we have going today. Hopefully, young members like me will not see the union busted before we retire. I'll do what I can to ensure that the unions today will be around tomorrow for my children.

Grocery Bag

Members Foot the Bill for Pension Contribution Increases.

Last fall, six Northern California Teamster locals struck Lucky and Safeway for two weeks. Some union officials applied heavy pressure to get the second offer approved, even though it contained a four-year wage freeze and a clause that could eventually allow the companies to impose substandard wages and benefits.

Since then, union officials have asked members to vote on diverting part of their frozen wages into pension contributions. Drivers and warehouse workers in each local have voted separately. Some have agreed to divert up to 50 cents an hour.

It's easy to understand why any Teamster, especially an older one, would vote to put more money into pension contributions. But by conducting so many separate votes, union officials have done away with the uniform wage standard that existed in Northern California.

Whatever happened to negotiating increased pension contributions *from the employers*, instead of taking the money out of members' wages?

Face-off Continues at Fleming.

Another group of Northern California grocery Teamsters—the Fleming Foods drivers and warehouse workers from Locals 70, 150, 431 and 856 who struck against concessions for three months last summer—are still without a contract. Now 150 Fleming drivers and warehouse workers at San Jose Local 287 face a March 31 contract expiration date.

Local 287 members honored the picket lines and helped with leafletting during the Fleming strike. Having fought the company once, they're getting ready to do it again. At the local's first contract meeting, members talked about winning a $1.75 wage increase over the next three years.

This will not be an easy battle. Fleming has lost some of its accounts since the strike, and is now trying to eliminate jobs. Stay tuned for more details.

No Progress to Report in Kroger Negotiations.

Since last September, the International has kept Kroger Teamsters guessing about progress in negotiations for new national language. Local Kroger contracts have expired and been renegotiated with no word on the national language that will be inserted into them.

The union's bargaining position is difficult—Kroger recently fought off a hostile takeover by going deep into debt—but the International's top-down strategy and refusal to involve the rank and file are only going to make things more difficult.

The slow progress in negotiations means that the company's contribution rate to the Central States Pension Fund remains at $61 per week. (Freight and carhaul companies pay $69 per week to Central States, while UPS pays $73.)

Since 1986, Central States has calculated monthly pension benefits as a percentage of the total dollar amount contributed each year for the participant. The longer Kroger's rate stays at $61 per week, the more it's going to affect everybody's pension. Kroger Teamsters who are ready to retire now are being forced to wait indefinitely.

Another issue the International needs to move fast on is job security. With Kroger nearly $4 billion in debt, it will be pressing to eliminate as many jobs as possible.

Columbus Local 413 and Indianapolis Local 135 have submitted proposals to strengthen the national language on job protection when a facility is closed. If new protections are not won soon, hundreds of Kroger Teamsters could get thrown out of work with no job security.

Kroger has sold almost 70 supermarkets to help pay its debt, mostly in the South along with the Fry's division, which operates in Arizona and California.

The company has announced that before selling any more supermarkets, it will sell 12 of its 44 food-processing plants. If Kroger decides it still needs more cash, it will sell 935 convenience stores and 15 wholesale clubs.

Finally, Kroger has designated a "second tier" of supermarkets that it would sell if it wanted more money. The second-tier supermarkets are located in San Antonio and Longview, Texas, Augusta, Ga., Chattanooga, Tenn., Biloxi, Miss., Fort Wayne, Ind., and Owensboro, Ky.

American, Kroger Have Top Sales in '88.

The industry publication *Supermarket News* has released its annual list of the Top 50 food retailers.

The American Stores conglomerate—including Lucky, Alpha Beta and Star Market—topped the list, with sales of over $20 billion and an $84.1 million net profit after taxes.

Kroger was next, despite the restructuring, with $17.7 billion in sales (up 7.8% from 1987) and a $153.3 million after-tax profit. Other Teamster-organized companies in the top 10 were Safeway, A & P, Albertson's, Supermarkets General and Vons.

For a copy of the entire list, contact the TDU national office.

A Page from Our History

The 1970 Trucking Strikes and Their Legacy

In 1970 Jimmy Hoffa was tucked away in prison and Frank "Golf Course" Fitzsimmons was in charge of negotiating the National Master Freight Agreement. He settled cheap, for $1.10 over three years, with no cost-of-living clause.

Members were upset but lacked a national rank and file force, because TDU was not yet born. As a result, the contract was ratified in a mail referendum and put in place. But a massive strike wave upset the employers' apple cart pushed by Fitz.

Chicago, the mainspring of the strike, was not part of the NMFA and still is not. Three locals are involved in freight in Chicago. Teamster Local 710 represents the road drivers, dock and office. Road drivers are under the NMFA, but the dock and office workers are under a separate Local 710 contract. City drivers are in Teamster Local 705 and also are under their own separate Local 705 contract. A third local, the Chicago Truck Drivers Union, or "Chicago Independent," represents the city operation at some NMFA barns, but is not part of the Teamsters union.

The Chicago locals struck and held out for a $1.85 increase, almost double Fitz's puny settlement. Because they had no signed contract, this was a lawful, sanctioned strike. Keep in mind, too, that once one terminal or operation of a company is on strike, it is legal for the pickets to fan out to any other part of that company.

Wildcat strikes broke out. Teamsters in Los Angeles walked off the job, betrayed by the promise they would get sick pay equal to Northern California (Nor Cal NMFA Teamsters had six sick days, now they have 11, far more than most areas under the NMFA). For a short time they spread their lines 400 miles north to San Francisco and Oakland. Cleveland and Akron struck. William Presser, Jackie's father, publicly labeled the strikers "communists." The national guard was called out there, and later was sent to Kent State University where four students were killed. St. Louis struck also.

Victory and Aftermath

The Chicago strikers won. As a result, the humiliated Fitzsimmons had to reopen the NMFA and every freight Teamster got $1.85. A victory for one was a victory for all.

The victory and fallout from the strikes was very important in the years to come. The employers, with the collusion of top Teamster leaders, decided they had to teach the rank and file a lesson and prevent further victories like this. Some members learned a tough lesson, too.

The International adopted Article 8, Section 3 of the NMFA, which provides stiffer punishment for so-called wildcat strikes. Prior to 1970, any terminal could walk off the job in a "quickie" strike for up to 24 hours. Quickie strikes could be called over grievances. The most anyone could be punished for such action was a warning letter, which fades away in nine months (or six months in some supplements). The post-1970 language allows for suspensions of up to 30 days for wildcat strikes up to 24 hours.

The International also made an example of three local unions. Local 208 in L.A. was put into trusteeship. This move failed, as the International's puppets were all voted out 18 months later by the members. In fact, they elected some of the wildcat leaders. But 500 Teamsters were fired in L.A., the only area that suffered firings. A union-sponsored committee was set up to OK the firings, in a disgusting betrayal.

Employers sued Oakland Local 70 and St. Louis Local 600. Instead of bargaining away those lawsuits, which is the normal procedure at the end of any labor dispute, the International let them stand to hurt those locals. Another massive betrayal.

"Yes, that's right," said one of the St. Louis strikers, TDU member Blacky Lunsford. "The suit won $3 million for the employers. Our Local 600 just finished paying it off recently. Where'd that money go after some of those employers went out of business? And why was our local hung out to dry? Our union officials would never tell us."

Lessons, and Formation of TDU

The lessons sunk in with some Teamsters. The members could rise up and win one, but the International union held the cards and had to be changed. Locals on their own could do a lot, but also could be punished by the International officials who were in bed with the employers.

"When you go into battle, you're going to get some injuries," said TDU organizer Doug Allan, a Local 208 member and a driver for Acme Fast Freight in 1970. "But it was the '70 strike that was the springboard from which the rank and file movement really took off."

"We were getting tired of lying down and taking what was handed out," said Blacky.

A rank and file group was formed, Teamsters United Rank & File (TURF), but died out. A hopeful but false start. Professional Drivers Council (PROD) was formed also. By 1976, again as Fitz bargained the NMFA, TDU was born. Goals were set: reclaiming our International union; winning the Right to Vote; restoring power to our union at the terminal and local union level; building an International union that would back up members and locals, not betray them.

Never again would Teamsters in Cleveland be totally isolated from those in Los Angeles. As a result, a bad contract could not be passed in 1988 but was rejected by 64%. Majority Rule was won just months later.

All of our goals have not been realized. But committed Teamsters across North America are working toward it. The more who join with us, the faster that day will come. 1970 was one of the turning points in our union's history.

Hertz Transporters Karen Bundoff and Betsy Shinabarger look over the "mistakes" in their contract.

Detroit Local 299

Hertz Transporters Organize

Hertz is one of the top companies for car rentals. You've seen Arnie and O.J. and Jamie Lee on TV telling you about those great Hertz services. But what they haven't told you is what makes those services tick: the Hertz transporters.

Some of the transporters, mostly women, work out of the Hertz rental car lot in Romulus, Mich. They transport cars back and forth between that lot and others all over the country. They keep Hertz in business, covering the reservations for their customers, driving through rain, sleet and snow—all for $3.75 per hour, with no benefits whatsoever!

The transporters are members of Local 299 in Detroit. When their contract expired in November 1987, it took another year of negotiations to reach an agreement with the company.

"It was not the ideal contract by any means. But our business agent told us not to worry about it—if there were 'mistakes' in the summary he gave us at the ratification meeting, they would be corrected," explained transporter Betsy Shinabarger.

But the "mistakes" didn't show up until the transporters finally got a copy of their new contract in February 1989. The retroactive pay that was promised in the summary—4% of their earnings between November 1987 and November 1988—does not appear in the contract. Of course, it hasn't been paid by Hertz. A number of other discrepancies were noted.

Karen Bundoff, another transporter, explained some of the other unfair conditions at Hertz. "A trip to Marquette was given out under the conditions that you go 'straight there and back,' a total of 1,080 miles. When they were expecting 9 inches of snow that day, we were told by management, 'no hotel, and if you don't like the conditions, don't take the trip!' Is this fair?"

The contract dispute, and health and safety problems, brought the transporters to TDU. At a meeting of about 45 of the 90 transporters Feb. 1 in Romulus, strategies were planned for improving conditions and pay. Now they feel better about their BA's advice. They're not worrying so much because they've found TDU.

TDU Meets

ATLANTA
Saturday, March 4
7:30 p.m.
College Park Fire Department
Sullivan Road, College Park, Ga.

BAY AREA
Sunday, Feb. 26
1 p.m.
6417 Hillegass
Oakland, Calif.
Information: (313) 842-2600

DETROIT
Sunday, Feb. 26
10 a.m.
Detroit TDU Office
Information: (313) 842-2600

NORFOLK
Sunday, March 12
11:30 a.m.
Holiday Inn, I-264
Waterside Drive Exit
Information: (202) 785-3707

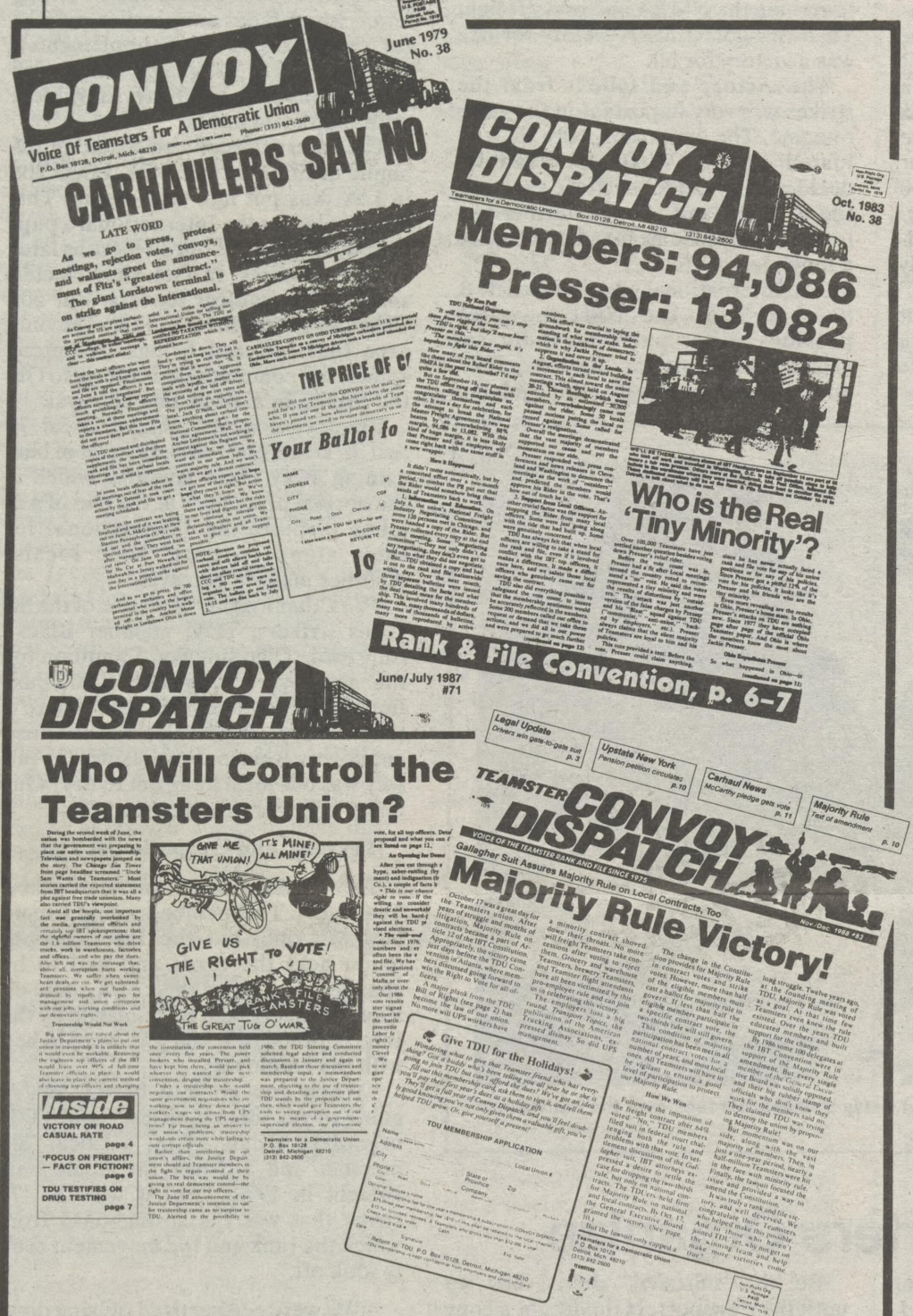
SACRAMENTO
Saturday, Feb. 25
Dinner, 6 p.m.
Meeting, 7 p.m.
Cluni Club House
601 Alhambra Blvd.
Sacramento, Calif.

SAN FRANCISCO
Saturday, March 11
10 a.m.—Noon
Potrero Hill Neighborhood House
953 DeHaro St. at Southern Hts. Ave.
San Francisco

SOUTHERN CALIFORNIA
Sunday, March 12
10 a.m.
Guirado Park Meeting Room
Whittier, Calif.

ST. LOUIS
Sunday, March 19
1:30 p.m.
Finnigers Rose Room
8338 N. Broadway, St. Louis

News & Ideas Worth Spreading!


CONVOY
Voice Of Teamsters For A Democratic Union
June 1979
No. 38
CARHAULERS SAY NO
LATE WORD
As we go to press, protest meetings, rejection votes, convoys, and walkouts greet the announcement of Fitz's "greatest contract." The giant Lordstown terminal is on strike against the international.
THE PRICE OF C
Your Ballot fo
CONVOY DISPATCH
Teamsters for a Democratic Union
Oct. 1983
No. 38
Members: 94,086
Presser: 13,082
Who is the Real 'Tiny Minority'?
Rank & File Convention, p. 6-7
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June/July 1987
#71
Who Will Control the Teamsters Union?
GIVE US THE RIGHT TO VOTE!
GIVE ME THAT UNION!
IT'S MINE! ALL MINE!
RANK & FILE TEAMSTERS
THE GREAT TUG O' WAR
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VOICE OF THE TEAMSTER RANK AND FILE SINCE 1975
Gallagher Suit Assures Majority Rule on Local Contracts, Too
Majority Rule Victory!
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Give TDU for the Holidays!
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Teamsters for a Democratic Union
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Return to TDU, Box 10128, Detroit, MI 48210

For 13 years *Convoy Dispatch* has made a difference in the Teamsters union—bringing you news, ideas and education available nowhere else for Teamster members. Now major change is beginning in our union. In October we won the right to Majority Rule on contract votes after contracts covering 500,000 members were rejected by majority votes in '87-'88.

The momentum to rebuild our union comes from rank and file members like you, not from the International union officers. They have begun to peek through the door that opens to reforms only because they have no choice. But they can't supply the ideas or the energy to revitalize this union. They are too tied to using it for private power and enrichment.

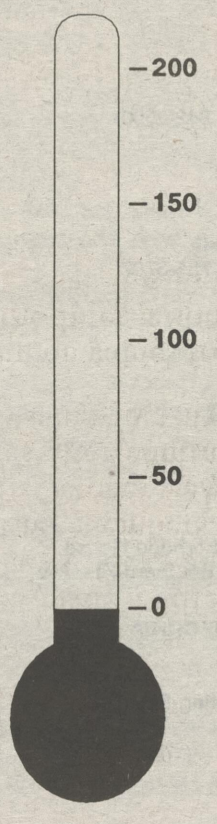
Since 1975 *Convoy Dispatch* has reported on hundreds of battles by Teamster members for better pensions, contracts and representation. In the coming year new programs and leaders will be developed in similar struggles and it is from that experience that the union can be changed. But it will not happen automatically.

As the pace of change quickens it is important for concerned Teamsters to reach out—to inform and involve more members from more plants, offices and terminals. Many members have given up on the union. You must carry the news of change to them. Without the involvement of concerned Teamsters the chance for reform can be missed.

Now 50,000 copies of *Convoy Dispatch* are circulated, one to each of TDU's 10,000 members and 40,000 more by 500 TDUers who pay for and distribute a bundle of papers to spread the word.

Our goal is to add 200 more bundle distributors to our network. We're asking you to be one of them. These papers will reach new Teamsters and spread the word of TDU's reform movement.

All it takes to do your part is a commitment of a small amount of money and a little time. Papers can be distributed to fellow Teamsters or left one at a time in break rooms and other non-work areas.

Let us know the feedback you get and the ways you use the paper to spread the news and attract new members. We'll publish updates on the drive until our Rank & File Convention in November. By the way, if you are not a TDU member, isn't it time you joined? You don't want to miss an issue.

New *Convoy Dispatch* Distributors